



## National Energy Board Pre-Application Meetings Guidance Notes

### NOTICE

The National Energy Board (NEB or the Board) is committed to ensuring that our prospective applicants are provided with opportunities to fully understand the Board's processes. Pre-application meetings between prospective applicants and Board staff are one of the options we offer to promote a better understanding of the Board's application process and regulatory requirements. Pre-application meetings give everyone the opportunity to:

- Share process information and establish contacts;
- Discuss filing requirements; and
- Identify resources.

We also find that these meetings can lead to more complete applications, which facilitates the review process and improves response times.

To assist prospective applicants in determining whether a pre-application meeting would be beneficial, the Board has prepared Pre-Application Meeting Guidance Notes. These recently revised Guidance Notes provide details on the objectives of pre-application meetings, discuss how to request a meeting and identify what you can expect during a pre-application meeting and also reflect updated processes and draw attention to meeting requirements.

For your copy of the NEB's Pre-Application Meeting Guidance Notes, please visit the Board's website at: <http://www.neb-one.gc.ca/clf-nsi/rpblctn/ctsndrgltn/rrggnmgpnb/prpplctnmtng/prpplctnmtng-eng.html>

To request a pre-application meeting, please speak with the NEB Team Leader accountable for your proposed application. If you are not sure who is accountable for handling your application, please call 403-292-4800 or toll free at 1-800-899-1265.

National Energy  
Board



Office national  
de l'énergie

File 230-A000-2-6  
9 November 2007

All Companies Under National Energy Board (NEB/Board) Jurisdiction  
Canadian Energy Pipeline Association  
Canadian Association of Petroleum Producers

Dear Sir/Madam:

**National Energy Board Pre-Application Meetings - Guidance Notes**

We are pleased to provide you with the attached Pre-Application Meetings Guidance Notes, which have been revised to reflect updated processes and draw attention to meeting requirements. You may also obtain a copy of the Pre-Application Guidance Notes by visiting the NEB's Internet site at: <http://www.neb-one.gc.ca/clf-nsi/rpblctn/ctsndrgltn/rrggnmgpnb/prpplctnmtng/prpplctnmtng-eng.html>

Pre-application meetings with prospective applicants can contribute to more complete applications, thus facilitating the review process and improving cycle times. Although these Guidance Notes relate primarily to potential facility applications, the general principles and the processes also apply to other non-facility applications, including tolls and tariffs matters and commodity exports and imports. We invite you to consult the Guidance Notes if you plan to meet with our staff prior to filing an application.

To request a pre-application meeting, please contact the NEB Team Leader accountable for your proposed application. If you are not sure who is accountable for handling your application, please call 403-292-4800 or toll free at 1-800-899-1265.

Yours truly,

A handwritten signature in black ink, appearing to read "Claudine Dutil-Berry".

Claudine Dutil-Berry  
Secretary

Attachments



4 December 2008

## National Energy Board Pre-Application Meetings Guidance Notes

1. [Purpose of the Guidance Notes](#)
2. [Objectives of Pre-Application Meetings](#)
3. [Request a Meeting](#)
4. Preparation for a Meeting
5. [Content of Pre-Application Meeting](#)
6. [Participants](#)
7. After a Meeting
8. Appendices

### 1.0 Purpose of the Guidance Notes

The intent of the Guidance Notes is to assist prospective applicants to determine whether and when a meeting with NEB staff would be beneficial. The Guidance Notes provide details on the objectives of pre-applications meetings, the steps that should be taken to request a meeting, the content and who should participate in a pre-application meeting with Board staff.

### 2.0 Objectives of Pre-Application Meetings

Pre-application meetings are held to assist a prospective applicant to gain a better understanding of application processes and regulatory requirements, and to facilitate the application review process.

While respecting the Code of Conduct for National Energy Board Employees [[HTML](#)] and natural justice principles, there are a number of matters that can appropriately be addressed through pre-application meetings.<sup>1</sup> These include the following:

- **Share Process Information and Establish Contacts:** A prospective applicant can obtain information regarding NEB processes and associated typical timelines for processing of an application.<sup>2</sup> The meeting may also serve to identify appropriate contacts at the NEB for further procedural and timing enquiries or updates.

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<sup>1</sup> The Code of Conduct for National Energy Board Employees can be found at <http://www.neb-one.gc.ca/clf-nsi/rthnb/whwrndrgvrnnc/cdndctfnbmply/cdndctfnbmply-eng.html>

<sup>2</sup> Actual processing time will depend upon application completeness, timely response to any Board information requests, procedures established for third party participation, etc.

- **Filing Requirements:** Board staff may direct a prospective applicant to the National Energy Board Filing Manual, applicable NEB precedent and other policies or guidelines to provide guidance regarding elements of an application and associated information requirements.
- **Identify Resources:** The NEB can be advised of significant elements of the application, which may assist the NEB in planning staff resources or agency coordination requirements. Such information may also assist Board staff in identifying or suggesting potential options for appropriate dispute resolution. The NEB can also be advised of significant pre-application activities involving third parties (e.g. public and stakeholder consultation initiatives, discussions with other government departments, etc.).

Accordingly, a pre-application meeting could be requested to discuss Board processes or where an application might involve:

- Matters considered non-routine or new to the applicant
- Anticipated engineering, environmental, commercial or policy issues of significant scope, number or complexity
- Timing sensitivities such as construction windows or timing of baseline studies.

The purpose of a pre-application meeting is not to promote the project or, beyond a short project description, discuss the need for the project.

In some cases, this Process may be modified to be more responsive to the needs of your specific pre-application. Please discuss application-specific details with the appropriate Team Leader.

### 3.0 Request a Meeting

Prior to requesting and attending a meeting with NEB staff, it is recommended that the prospective applicant review the relevant sections of the [National Energy Board Act](#); the [National Energy Board Rules of Practice and Procedure, 1995](#); the [Onshore Pipeline Regulations, 1999](#); the [National Energy Board Electricity Regulations](#); the [National Energy Board Filing Manual](#); and other relevant regulations, guidelines or policies. These documents can be found on the NEB Web site at [www.neb-one.gc.ca](http://www.neb-one.gc.ca), or through the Board's library.<sup>3</sup> This preparation will help the applicant or other party to gain a better understanding of Board processes and the type of information required when an application is filed.

The Board recommends that pre-application meetings be requested early in the preparation phase of an application as direction to applicable parts of the National Energy Board Filing Manual, Board precedent, or other relevant guidance documents, and information regarding Board processes, may be of most assistance at that time. When requesting a meeting, a prospective applicant must identify the objectives of the meeting and provide sufficient detail regarding the proposed application to allow the Board to consider whether the meeting and proposed timing is appropriate.

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<sup>3</sup> The NEB library is located at 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8 and can be reached at 403-292-4800 or toll free at 1-800-899-1265 or via e-mail at [library@neb-one.gc.ca](mailto:library@neb-one.gc.ca).

The request should be made in a timely manner to facilitate such consideration and to permit Board staff to properly prepare for the meeting. It is suggested that the request be made a minimum of ten days prior to the meeting date.

Prospective applicants are welcome to contact the applicable Team Leader directly to request a pre-application meeting. If you are not sure who is accountable for handling your application, please call 403-292-4800 or toll free at 1-800-899-1265.

You will be able to discuss with the Team Leader whether and when it would be appropriate to have a meeting based on the proposed meeting objectives.

## **4.0 Preparation for a Meeting**

Prior to the meeting, an agenda would be prepared by the prospective application in collaboration with an NEB Team Leader. The agenda should include the names, roles and responsibilities, and email addresses of the attendees, and be constructed from the template in Appendix 1.

The prospective applicant must submit any materials they intend to present at the meeting to the NEB a minimum of three days before the meeting.

Once an application has been filed with the NEB, all communication with NEB staff should be directed through Legal Services or the Office of the Secretary.

## **5.0 Content of Pre-Application Meeting**

The prospective applicant must be prepared to leave copies of documents presented at the pre-application meeting with staff at the conclusion of the meeting, as all materials presented at a pre-application meeting will be placed on file with the NEB.

Examples of information that may be presented and left with the Board include:

- Project overview and scope
- Purpose of the project
- Timing of the application and proposed construction schedule
- Maps at an appropriate scale (e.g. topographical, access, human use, etc.) or photos illustrating environmental settings
- Hard copies of presentations (e.g. PowerPoint, etc)

The above information will assist NEB staff in providing the relevant sections of the National Energy Board *Filing Manual*, Board precedent, or other relevant guidance documents. The information may also assist the Board in better appreciating internal resource issues that may be associated with the filing.

NEB staff could also verify that the prospective applicant is aware of other regulatory processes, such as those associated with the *Canadian Environmental Assessment Act*, which may have an impact on the proposed application.

In accordance with the Code of Conduct for NEB Employees and natural justice principles, NEB staff cannot provide the regulated company or the prospective applicant with any specific guidance on the proposed project or any substantive issues.

## **6.0 Participants**

It may be helpful to have the Project Manager or another representative familiar with the project to present the information to NEB staff. Supporting personnel may include specialists in:

- Engineering and Technical Issues
- Environmental and Socio-Economic Matters
- Health and Safety
- Aboriginal, Landowner and Public Consultations
- Tolls and Tariffs, Finance and Economics
- Market and Supply Issues
- Regulatory and Community Affairs

It may also be helpful for the regulated company or the prospective applicant to have its Legal Counsel present at the meeting.

NEB staff present at the pre-application meeting will generally include the Team Leader accountable for the proposed project, Board Counsel and appropriate Board specialists. Note that NEB staff attending such meeting may or may not be assigned to work on the application once it is filed.

## **7.0 After a Meeting**

Pre-Application Meeting Notes recorded by NEB staff will be forwarded to the prospective applicant for review (see Appendix 1 for template). Any discrepancies found between the prospective applicant's meeting notes and the Board's, as well as any other comments, are to be brought to the attention of the Meeting Chairperson. The finalized meeting notes will be sent to the prospective applicant within thirty days of the pre-application meeting.

Meeting notes and any other documentation provided at the meeting would be available to the public upon request.

A survey may be conducted by the Board to evaluate the pre-application meeting process. If so, the procedure will be introduced by the Meeting Chairperson during the pre-application meeting.

## **8.0 Appendices**

Appendix 1: Agenda & Meeting Notes Template

Appendix 2: Prospective Applicant Checklist



**Appendix 1: Agenda & Meeting Notes Template**

<b>Pre-Application Meeting– XXXX Project</b>		<b>DD MM YYYY XX:XX to XX:XX Room XXXX</b>		
<b>Chairperson</b>				
<b>Agenda</b>				
<b>Item</b>	<b>Description</b>	<b>Who</b>	<b>Time (min)</b>	<b>Expected Outcome</b>
<b>1</b>	Introductions	Chairperson		
<b>2</b>	Present Agenda <ul style="list-style-type: none"> <li>• appropriate scope of discussion (Objectives of Pre-application Meetings)</li> <li>• meeting notes to be recorded (available to the public upon request)</li> </ul>	Chairperson		
<b>3</b>	Overview/Presentation of the XXXX Project	Representative from prospective applicant		
<b>4</b>	Discussion of application and hearing timing and hearing process <ul style="list-style-type: none"> <li>a. Application timing</li> <li>b. Hearing timing</li> <li>c. Hearing process</li> </ul>			
<b>5</b>	Discussion of application structure and regulatory requirements <ul style="list-style-type: none"> <li>a. Section 52 application</li> <li>b. OPR Section 45 application</li> <li>c. Filing manual</li> </ul>			
<b>6</b>	Next Steps <ul style="list-style-type: none"> <li>a. Survey</li> </ul>			

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### **Proposed Participants from [Company Name]**

XXX - Legal Counsel

XXX – Title, Department, Email Address

XXX – Title, Department, Email Address

XXX – Title, Department, Email Address

XXX – Title, Department, Email Address

XXX – Title, Department, Email Address

XXX – Title, Department, Email Address

XXX – Title, Department, Email Address

### **Proposed Participants from NEB**

XXX, Team Leader [Team]

XXX, Environmental Specialist

XXX, Financial Analyst

XXX, Economics and Financial Regulation

XXX, Engineer

XXX, Socio-economist

XXX, Legal Counsel

XXX, Supply Analyst

XXX, Lands Specialist

XXX, Market Analyst

XXX, Communications Officer

XXX, Engagement Specialist



**MEETING NOTES**

**XXXX Pre-Application Meeting**

**Date of the request for the meeting**

**Date of the meeting**

**Time**

**Location**

**Meeting called by**

**Chairperson**

**Note Taker**

**Attendees: [Name, Position, Responsibilities, Email address]**

Participants from [Company Name]:

Name, Position, Responsibilities, Email Address

Name, Position, Responsibilities, Email Address

Name, Position, Responsibilities, Email Address

Name, Position, Responsibilities, Email Address

Name, Position, Responsibilities, Email Address

Name, Position, Responsibilities, Email Address

Name, Position, Responsibilities, Email Address

Name, Position, Responsibilities, Email Address

Participants from the NEB:

XXX, Team Leader [Team]

XXX, Environmental Specialist

XXX, Financial Analyst

XXX, Economics and Financial Regulation

XXX, Engineer

XXX, Socio-economist

XXX, Legal Counsel

XXX, Supply Analyst

XXX, Lands Specialist

XXX, Market Analyst

XXX, Communications Officer

XXX, Engagement Specialist



<b>MEETING NOTES (CONT'D)</b>				
<b>Item</b>	<b>Key Messages</b>	<b>Action</b>	<b>By Whom</b>	<b>By When</b>
<b>1. Agenda Item</b>				
<b>2. Agenda Item</b>				
<b>3. Agenda Item</b>				
<b>4. Agenda Item</b>				

Reviewed by:

- Legal Counsel (before sent to prospective applicant)
- Prospective Applicant
- Legal Counsel (after sent to prospective applicant)

## Appendix 2: Prospective Applicant Checklist

This document was prepared from the National Energy Board Pre-Application Guidance Notes. It is intended to aid the Applicant follow the procedure outlined in these Notes. Any questions should be addressed to the NEB Team Leader responsible for the application.

<i>Timeline</i>	<i>Task</i>	<i>Completed</i>
<b>Request a Meeting</b>		
	Review relevant regulations, guidelines, and policies (found through the NEB website or library)	<input type="checkbox"/>
Minimum 10 days before proposed meeting date	Submit request, identifying meeting objectives and providing sufficient detail	<input type="checkbox"/>
<b>Preparation for a Meeting</b>		
	Prepare agenda in collaboration with NEB Team Leader; include names, roles and responsibilities, and email addresses of attendees	<input type="checkbox"/>
Minimum 3 days before meeting	Submit all materials to be brought to the meeting	<input type="checkbox"/>
<b>Content of Pre-Application Meeting</b>		
	Information/concerns presented to NEB staff, usually by representative chosen by prospective applicant	<input type="checkbox"/>
	Provide copies of all documents brought to meeting to NEB staff	<input type="checkbox"/>
<b>After a Meeting</b>		
Will be sent within 30 days of meeting	Review meeting notes prepared by NEB staff	<input type="checkbox"/>
	Respond to Survey, if applicable	<input type="checkbox"/>